IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL SIDE APPELLATE JURISDICTION

FIRST APPEAL NO.1388 OF 2005

Employees State Insurance Corporation — Appellants
vs.
Shri Adinath Sahakari Grih Rachna Sanstha Maryadit — Respondents

Mr.R.M.Jaykar with Miss Dimple Mehta i/b.M/s.M.V.Jayakar & Co. for the appellants.

Mr.S.C.Naidu i/b.Mr.Raunak Shah for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 2nd November, 2007

JUDGMENT:

The appellants are a Corporation administrating the scheme of the Employees State Insurance in accordance with the provisions of the employees State Insurance Act, 1984. The Respondents are a Private Limited Company.

2. On 5.2.1982, the appellant's inspector visited the respondent's premises.

3. On 30.4.1982 the appellants issued a letter in Form C-11 to the respondent informing coverage ad requesting payment of contribution.

4. On 12.10.1983 the appellants by letter in Form C-18 issued to the respondents.

5. On 25.5.1984 respondents write to the appellants disputing its coverage.

6. On 6.8.1984, an Order under section 45-A was passed against the respondent.

7. O 28.5.1986, the appellants issue a letter to the respondents recording that the contribution was not paid for a period of 9.12.1982 to 31.3.1986. An opportunity of personal hearing was given.

8. On 25.7.1986, the appellants send an order under Section 45-A to the respondents.

9. On 1.9.1992, the appellants issued Recovery Certificate to the Collector of Pune to recover the unpaid contribution.

10. On 16.10.1993, by a judgement and order in R.C.S. No.1408/84 held that it does not have jurisdiction and rejected the suit.

11. On 6.1.1997 an application to withdraw the Appeal No.96/95 before the District Court Pune was made.

12. On 27.2.1998, a Notice in Form C-18 was issued to

the respondents, to show cause why contribution should not be determined. An opportunity of personal hearing was given.

13. On 23.10.1998, order under Section 45A was passed by the appellants. An Order demanding Rs.34,857 as contributions was passed against the respondent.

14. On 18.3.1998, the respondents replied to the show cause notice dated 27.2.1998 and 3.3.1998.

15. On 19.11.1998, an application (ESI) No.37 of 1998 filed by the respondents, challenging the orders passed by the appellants. An application for waiver was also made.

16. On 29.7.2003, an order waiving requirement of depositing 50% of amount was passed.

17. On 16.6.2004 a judgment and order was passed by the ESI Court at Pune, whereby the application was partly allowed and the order dated 9.3.1998 as far as it concerns the contribution for period between 1.6.1996 to 28.2.1993 was quashed.

18. In view of the reasoning given in the judgment dated 2nd November, 2007 in First Appeal No.844 of 2004

along with other First Appeals, this First Appeal is also dismissed and disposed of accordingly.

. No order as to costs.

(ANOOP V. MOHTA,J.)